

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## PLANT NITROGEN REGULATORY P-PII GENES

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☒ was filed in the United States on July 23, 1997 as Application No. 08/899,330 (for declaration not accompanying application)
- with amendment(s) filed on \_\_\_\_\_ (if applicable)
- ☐ was filed as PCT international Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/022,328	July 24, 1996

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaanni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), Mark A. Farley (Reg. No. 33170), and James G. Markey (Reg. No. 31636), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Gloria Coruzzi</i> Gloria M. Coruzzi	SIGNATURE OF INVENTOR 202 <i>Lam Hon Ming</i> Hon-Ming Lam	SIGNATURE OF INVENTOR 203 <i>Ming Hsiun Hsieh</i> Ming-Hsiun Hsieh
DATE 1/22/98	DATE 4/2/98	DATE 1/22/98
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

**EXHIBIT A: PENDING CLAIMS**  
**U.S. PATENT APPLICATION SERIAL NO. to be assigned**  
**(ATTORNEY DOCKET NO. 5914-089)**

(As amended January 8, 2001)

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7. A substantially pure polypeptide comprising the amino acid sequence depicted in Figure 8 (SEQ ID NO:3).

8. A substantially pure polypeptide comprising the amino acid sequence depicted in Figure 9 (SEQ ID NO:4).

11. (New) A substantially pure nucleic acid molecule that hybridizes to the complement of a nucleotide sequence under highly stringent conditions, said nucleotide sequence comprising a nucleotide sequence that encodes a P-II gene product comprising:

- (a) the amino acid sequence of SEQ ID NO:1; or
- (b) the amino acid sequence of SEQ ID NO:2;

wherein said substantially pure nucleic acid molecule encodes a functionally equivalent P-II gene product.

12. (New) A substantially pure nucleic acid molecule that hybridizes to the complement of a nucleotide sequence under highly stringent conditions, said nucleotide sequence comprising a nucleotide sequence that encodes a P-II gene product comprising:

- (a) the nucleotide sequence of SEQ ID NO:13;
- (b) the nucleotide sequence of SEQ ID NO:14;
- (c) the nucleotide sequence of SEQ ID NO:15; or
- (d) the nucleotide sequence of SEQ ID NO:16;

wherein said substantially pure nucleic acid molecule encodes a functionally equivalent P-II gene product.

13. (New) A substantially pure nucleic acid molecule that hybridizes to the complement of a nucleotide sequence under moderately stringent conditions, said nucleotide sequence comprising a nucleotide sequence that encodes a P-II gene product comprising:

- (a) the amino acid sequence of SEQ ID NO:1; or
- (b) the amino acid sequence of SEQ ID NO:2.

14. (New) A substantially pure nucleic acid molecule that hybridizes to the complement of a nucleotide sequence under moderately stringent conditions, said nucleotide

sequence comprising a nucleotide sequence that encodes a P-II gene product comprising:

- (a) the nucleotide sequence of SEQ ID NO:13;
- (b) the nucleotide sequence of SEQ ID NO:14;
- (c) the nucleotide sequence of SEQ ID NO:15; or
- (d) the nucleotide sequence of SEQ ID NO:16.

15. (New) The substantially pure nucleic acid molecule as in any one of claims 13-14, wherein said substantially pure nucleic acid molecule encodes a functionally equivalent P-II gene product.

16. (New) A transgenic plant containing a transgene encoding a gene of interest operatively associated with a P-II promoter, so that the gene of interest is expressed in shoots, roots or flowers of said transgenic plant.

17. (New) The transgenic plant of claim 16, wherein the gene of interest encodes a gene product that confers enhanced nitrogen utilization.

18. (New) The transgenic plant of claim 16, wherein the gene of interest encodes a gene product that confers herbicide resistance.